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November 14, 2013

VIA ECF

Honorable Judge Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Tasso Koumoulis, et al. v. IMFG, et al., Docket No. 1:10-cv-00887

Dear Judge Chen:

We represent the Defendants in the above-referenced action. Defendants respond briefly to the letter filed by Plaintiffs (ECF 53).

Defendants' letter to the Court (ECF 52) was filed to request the Court's permission to preserve applicable privileges while a decision on Defendants' soon to be filed objections is pending. Plaintiffs improperly took that opportunity to oppose the submission of additional evidence.

28 USC § 636 and F.R.C.P. Rule 72 expressly state that the District Court may "receive further evidence" in resolving objections. Defendants will be submitting additional evidence for the reasons set forth in its objections. Plaintiffs have advised that they will respond to Defendants' objections. Plaintiffs can at that time oppose Defendants' additional evidence. As made clear by the Rules, the District Court will ultimately have discretion as to whether to consider any or all of it.

Respectfully yours,

/s/ Joanna R. Varon

JRV:jb
Enclosures

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Cc: Kenneth Goldberg (*via* ECF)